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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN
AND DIU

General Administration Department

Collectorate of Goa

Order

LS/Rev/1/68

Whereas riverine alluvial land situated at S. Lourenço of Agaçaim village was assigned to Shri Jose Maria da Silveira de Lorena under deed dated 14-10-1868;

Whereas on inspection it was found that out of 4,9846 sq. metres assigned only 7843 sq. metres have been brought under regular cultivation;

Whereas show cause notice was issued to the actual holder of said land Shri Egidio Rafael Dias, in accordance with para 2 of Section 307 of Decree no. 3602 dated 24-11-1917;

And whereas the reasons put forward by said Shri Dias, in pursuance of the above notice are not acceptable to the Government;

Now therefore I, D. N. Barua, Collector of Goa in exercise of the powers vested in me, in virtue of Government Notification no. DF-1161-AGR-65 dated 9-6-1966, order that the uncultivated portion of said alluvial riverine land be reverted to the Government, in accordance with Section 307 of Decree no. 3602 dated 24-11-1917 read with the article 7 of Legislative Diploma no. 1776 dated 20-3-1958, with immediate effect.

Panaji, 15th May, 1968. — D. N. Barua, Collector of Goa.

Revenue Department

Directorate of Civil Administration

By order dated 8th May, 1968:

The plot of land named «Fodem Gallum» measuring 1000 sq. metres, belonging to the Comunidade of Serula, granted on permanent lease to Shri Narahari Shivrana Sheth Narvenkar, on 26-2-1961, is hereby directed to be reverted in favour of the same Comunidade with legal consequences as he failed to take possession of the plot during the prescribed time limit.

By order dated 10th May, 1968:

The following persons are appointed, to constitute the Committee to frame the draft of bye-laws of Xri Deus Maharudra

GOVERNO DE GOA, DAMÃO
E DIO

Departamento de Administração Geral

Repartição do Collector de Goa

Portaria

LS/Rev/1/68

Tendo em consideração que o terreno aluvial sito em S. Lourenço da aldeia de Agaçaim, foi concedido ao Sr. José Maria da Silveira de Lorena, por título datado de 14 de Outubro de 1868;

Atendendo a que após inspecção se verificou que dentre dos 49846 m² concedidos, somente 7843 m² foram trazidos à cultura;

Tendo em vista que foi dado aviso para apresentar razões justificativas ao actual detentor do terreno, Sr. Egidio Rafael Dias, de harmonia com o § 2.º do artigo 307.º do Decreto n.º 3602, de 24 de Novembro de 1917;

Considerando, por último que as razões apresentadas pelo dito Sr. Dias, de acordo com o referido aviso, não são aceitáveis pelo Governo;

No uso das faculdades que me são conferidas ao abrigo do despacho n.º DF-1161-AGR-65, de 9 de Junho de 1966, eu, D. N. Barua, Collector de Goa, determino que a parte não cultivada do mesmo terreno aluvial seja revertido ao Estado, com efeito imediato, de harmonia com o artigo 307.º do Decreto n.º 3602, de 24 de Novembro de 1917, conjugado com o artigo 7.º do Diploma Legislativo n.º 1776, de 20 de Março de 1958.

Panaji, 15 de Maio de 1968. — D. N. Barua, Collector de Goa.

Departamento de Rendimentos

Direcção dos Serviços de Administração Civil

Por portaria de 8 de Maio de 1968:

Por esta se determina que o terreno denominado «Fodem Gallum», medindo 1000 m², pertencente à comunidade de Serula, concedido em aforamento permanente a Narahari Shivrana Sheth Narvenkar, em 26 de Fevereiro de 1961, seja revertido à mesma comunidade, com consequências legais, visto o arrendatário não ter tomado posse do terreno dentro do prazo estabelecido.

Por portaria de 10 de Maio de 1968:

São nomeados os seguintes indivíduos para constituírem a comissão, a fim de elaborar os estatutos de Xri Deus Ma-

Hanuman, of Virlosa, Penha de France, Bardez Taluka. The Committee is required to submit its report within six months to the Government following the procedure as required under section 8 and 9 of Legislative Act no. 1898, dated 29th May, 1959.

President: Vithu Madhu Kamtekar.
Substitute: Ganesh Lumo Naik.

Members:

Esvonta Babani Chodankar.
Ramcrisna Bhicu Bhonsle.
Shiva Narayan Volvoikar

Substitute:

Gopichandra Zilu Chodankar.
Prabhakar Sitaram Naik.
Sazu Dharma Bhonsle.

By order dated 16-5-1968:

The plot of land named «Patolechem Galum» measuring 800 sq. metres, belonging to the Serula Comunidade and provisionally granted to Shri Suriaji Sinai Matmo on 21-8-1962, is hereby directed to be reverted in favour of the same Comunidade with legal consequences as he failed to take possession of the plot during the prescribed time limit.

Panaji, 20th May, 1968. — D. N. Barua, Collector and D.C.A.

Law and Judicial Department

Notification

LD/N/15/68/69

In exercise of the powers conferred by sub-section (1) of Section 12 of the Code of Criminal Procedure, 1898, the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri M. M. Mitbavkar, Mamlatdar Marmagao as a Magistrate of the First Class with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 21st May, 1968.

Office of the Registers and Notary Services

Order

RC/108/68

Whereas Shri Laxmidas Bhikhubhai Sagar, resident of Daman, has applied to the Lt. Governor of Goa, Daman and Diu, to change his name Lacmidas Bicu into Laxmidas Bhikhubhai Sagar;

Whereas all legal provisions earmarked for the purpose in nos. 1 to 3 of article 178 of the Civil Registration Code have been complied with;

Shri Laxmidas Bhikhubhai Sagar, resident of Daman, in accordance with no. 4 of article 178 of the Civil Registration Code is hereby authorized to change his name Lacmidas Bicu into Laxmidas Bhikhubhai Sagar and thereby publish this Order in the Government Gazette. He should apply to make the necessary change in the respective register.

By order and in the name of the Administrator of Goa, Daman and Diu.

R. L. Segel, Law Secretary.

Panaji, 4th May, 1968.

harudra Hanuman de Virlosa, Penha de França, do concelho de Bardês. A Comissão deverá submeter o seu relatório ao Governo dentro do prazo de seis meses, segundo estabelecem os artigos 8.º e 9.º do Diploma Legislativo n.º 1898, de 29 de Maio de 1959.

Presidente: Vithu Madhu Kamtekar.
Substituto: Ganesh Lumo Naik.

Vogais:

Esvonta Babani Chodankar.
Ramcrisna Bhicu Bhonsle.
Shiva Narayan Volvoikar.

Substitutos:

Gopichandra Zilu Chodankar.
Prakhakar Sitaram Naik.
Sazu Dharma Bhonsle.

Por portaria de 16 de Maio de 1968:

Por esta se determina que o terreno denominado «Patolechem Gallum» medindo 800 m², pertencente à comunidade de Serulá e concedido provisoriamente a Suriaji Sinai Matmo, em 21-8-1962, seja revertido à mesma comunidade, com consequências legais por o arrendatário não ter tomado posse do mesmo terreno dentro do prazo estabelecido.

Panaji, 20 de Maio de 1968. — B. N. Barua, Collector e Director dos Serviços de Administração Civil.

Departamento de Justiça

Despacho

LD/N/15/68/69

No uso das faculdades conferidas pela alínea (i) do artigo 12.º do «Code of Criminal Procedure 1898», o Governador-tenente de Goa, Damão e Diu nomeia o Sr. M. M. Mitbavkar, Mamlatdar de Mormugão, Magistrado de 1.ª classe, com efeito imediato.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

R. L. Segel, Secretário de Justiça.

Panaji, 21 de Maio de 1968.

Repartição dos Registos e do Notariado

Portaria

RC/108/68

Tendo Laxmidas Bhikhubhai Sagar, residente em Damão, requerido ao Governo a mudança do seu nome Lacmidas Bicu para Laxmidas Bhikhubhai Sagar:

Atendendo à que foram cumpridas todas as formalidades legais para esse fim designadas nos n.ºs 1 a 3 do artigo 178.º do Código do Registo Civil;

É autorizado Laxmidas Bhikhubhai Sagar, residente em Damão, de harmonia com o disposto no n.º 4 do artigo 178.º do Código do Registo Civil a mudar o seu nome Lacmidas Bicu para Laxmidas Bhikhubhai Sagar e bem assim a publicar no *Boletim Oficial*, a presente portaria, devendo solicitar o competente averbamento no respectivo registo.

Por ordem e em nome do Administrador de Goa, Damão e Diu.

R. L. Segel, Secretário de Justiça.

Panaji, 4 de Maio de 1968.

Food and Civil Supplies Department

Directorate of Education

Notification

DE/PRM(C)BLD/67/1

Whereas by Government Notification No. DE/PRM/(C) BLD/67 dated 29th January 1968 published on page 341 of Series II, No. 45 of the Government Gazette, dated 8th February 1968 it was notified u/s 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the «said Act») that the land, specified in the schedule appended to the said notification (hereinafter referred to as the «said land») was needed for the public purpose viz for construction of a school building.

And whereas the appropriate Government (hereinafter referred to as «the Government») is satisfied that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

And whereas the acquisition of the land is urgently necessary.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

The Government is also pleased to direct under sub-section (1) of Section 17 of the said Act, that the Collector appointed under paragraph 2 below shall at any time on expiration of fifteen days from the publication of the notice relating to the said land under sub-section (1) of Section 9 of the said Act take possession of all waste or arable land.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector South Sub-Division, Margao, to perform the functions of a Collector for all proceedings hereafter to be taken in respect of the said land, and to direct him under section 7 of the said Act to take order for the acquisition, of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector, at Margao.

SCHEDULE

Taluka	Village	Description of the said land	Approximate area
		Plot Name of the person No. believed to be interested	
Salcete	São Jose de Areal	1 Shri João Filipe de Silva of Borda sq. metres (Margão).	1478

By order and in the name of the Administrator of Goa, Daman and Diu.

P. S. Varde, Director of Education and Additional Secretary to Government of Goa, Daman and Diu (Ex-officio).

Labour and Information Department

Order

LC/1-282/66/A

The following Award given by the Industrial Tribunal on an industrial dispute between M/s. F. J. Santos Garage, Margao, and the workmen employed under them, is hereby published as required vide provisions of section 17 of the Industrial Disputes Act, 1947 (xiv of 1947):

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Labour and Information Department.

Panaaji, 21st May, 1968.

Departamento de Alimentação e Abastecimento Cívico

Serviços de Instrução

Despacho

DE/PRM(C)BLD/67/1

Atendendo a que por despacho n.º DE/PRM(C)BLD/67, de 29 de Janeiro de 1968, publicado à pgs. 341 do Boletim Oficial n.º 45, 2.ª série, de 8 de Fevereiro de 1968, fora tornado público ao abrigo do artigo 4.º do «Land Acquisition Act, 1894» (referido daqui em diante como «citado Act») que o terreno especificado no quadro anexo (referido daqui em diante como «aludido terreno») era de utilidade pública, designadamente, para a construção dum edifício escolar.

Tendo em vista que o Governo interessado (referido daqui em diante como «Governo») acha que o terreno especificado no quadro anexo é necessário para os fins públicos acima referidos.

Considerando que a aquisição do mesmo terreno é de urgente necessidade.

O Governo declara, ao abrigo do disposto no artigo 6.º do citado Act que o aludido terreno é necessário para os fins públicos acima referidos.

O Governo mais determina, ao abrigo da alínea (1) do artigo 17.º do citado Act, que o Collector nomeado no § 2.º a seguir, tome posse de todo o terreno inculto ou cultivável, em qualquer altura após expirado o prazo de 15 dias da publicação do aviso relativo ao mesmo terreno, ao abrigo da alínea (1) do artigo 9.º do citado Act.

O Governo nomeia, ao abrigo da alínea (c) do artigo 3.º do citado Act, o Collector adjunto da sub-divisão do sul, de Margão, para exercer as funções de Collector, em todos os actos relacionados com o aludido terreno, e determina, ao abrigo do artigo 7.º do citado Act, que ele tome as necessárias medidas para a aquisição do mesmo terreno.

3.º O plano do aludido terreno poderá ser consultado na Repartição do referido Collector adjunto, em Margão.

QUADRO

Concelho	Aldeia	Description do aludido terreno	Área aproximada
		Terreno n.º Nome da pessoa que se presume ser interessada	
Salcete	São José de Areal	1 João Filipe de Silva, Borda (Margão).	1478 m²

Por ordem e em nome do Administrador de Goa, Damão e Diu.

P. S. Varde, Director dos Serviços de Instrução e secretário adicional ex-officio, do Governo de Goa, Damão e Diu.

Before Shri K. R. Powar, Industrial Tribunal, Goa, Daman and Diu

Complaint (IT-GDD) No. 2, 4 and 5 of 1967

In

Reference (IT-GDD) No. 1 of 1967

- | | |
|----------------------------------|--|
| 1. Shri Roque Da Silva, Margao. | Complainants respectively in complaints. (IT-GDD) Nos. 2, 4 and 5 of 1967. |
| 2. Shri Lawrence Fernandes, Goa. | |
| 3. Shri Diogo Rebello, Goa. | |

VERSUS

M/s. J. F. Santos Garage, Margao. Respondent in the above complaints.

Appearances: Shri Mohan Nair, General Secretary, National Union of General Employees (Goa), for the complainants.

Shri G. D. Kamat, Advocate, for the respondent.

AWARD

Complaints under Section 33A of the Industrial Disputes Act, 1967.

2. An industrial dispute between the respondent and the workmen employed under it was referred for adjudication to the Tribunal by the Government by its order dated 29-1-66. The complainants are workmen who are concerned in the said dispute. The dispute has been pending before the Tribunal.

3. During the pendency of the said proceeding before the Tribunal, the services of the above complainants were terminated by the employer. Thereupon the present complaints were made.

4. The provision in section 33A contemplates and provides for a complaint as a remedy in cases where there has been, on the part of the employer, a contravention of the provisions in section 33 of the Act. It is therefore necessary to consider at the outset whether there has been on the part of the employer any contravention of any of those provisions.

5. The services of the complainants are terminated. But none of the complainants was a protected workman. The termination of their services is not covered by sub-section (3) of section 33. Service conditions mean and include the wage rates, weekly offs, holidays, leave and gratuity and contributions to provident fund, if they are provided for etc. On the termination of the services of a workman all the service conditions cease to be applicable to him. There is no alteration in the service conditions. It follows that in these cases there has not been, on the part of the employer, any contravention of the provision in clause (a) of sub-section (1) or clause (a) of sub-section (2) of section 33.

6. There remains to be considered clause (b) of sub-section (2) and the proviso to that clause. In view of clause (b) of sub-section (2), it is permissible to the employer to discharge or dismiss a workman by way of punishment for misconduct; and the proviso requires the employer to make an application to the Tribunal for approval of the action taken against the workman. In these complaints it is not at all the case of any of the complainants that he had committed any misconduct; nor is it the case of any of them that he is dismissed or discharged or purported to

be dismissed or discharged from service by way of punishment for any misconduct on his part. It is evident that on the part of the employer there has not been any contravention of sub-section (2) of section 33 either. It should follow that in connection with the termination of the services of these complainants, the complaints under section 33A are not maintainable.

7. The facts of the case of these complainants are simple: Complainant Shri Roque DaSilva was informed on 21-1-67 that for the reason that there was no work for him in the factory, he should go home. Through a clerk, complainants, Shri Lawrence Fernandes and Shri Diogo Rebello were given orders on 20-2-67 mentioning therein that their services were terminated with effect from 8-3-67 and 4-3-67 respectively, and that being questioned about the reason, the clerk kept mum. On these facts, it is alleged in each of the complaints that the termination of the services of these complainants was arbitrary and illegal. On that ground the trade union concerned may raise an industrial dispute and in case it is referred for adjudication to the Tribunal, it would be competent for the Tribunal to consider the said aspects. In a reference the jurisdiction of the Tribunal is very wide. But these are complaints under Section 33A. In a proceeding of such a complaint the scope of the inquiry before the Tribunal is limited as indicated above. The representative of the complainants expressed at the hearing that this was also his own view in the matter, but he caused these complaints to be filed because he was misled by the Labour Commissioner. In this connection, he has produced two letters received by him from the Labour Commissioner. The first letter is dated 9-1-67 and it relates to cases of 3 workmen whose services were terminated from 5-1-67; the second letter is dated 2-2-67 and it is in reply to the Union's letter dated 10-1-67. As noted above, the services of the first of the above complainants were terminated on 21-1-67, and those of the other two were terminated by the order dated 20-2-67. The said letters from the Labour Commissioner evidently do not relate or refer to the case of any of these complainants.

8. The complaints are not maintainable. Accordingly they are disposed of.

K. R. POWAR
Industrial Tribunal.

Bombay, 7th February, 1968.